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ABSTRACT

When George Washington was sworn in as the first President of the United States on April 30, 1789, the U.S. Constitution had already been ratified, yet the future of the new country was at risk. Some people wanted a bill of rights added to the U.S. Constitution to guarantee individual liberties. Two groups opposed each other--the Federalists wanted a strong government and no bill of rights and the Anti-Federalists wanted more power for the states and a bill of rights. To reach an agreement, James Madison promised to add a bill of rights to the Constitution. These 10 rights (cut from 42) became the first 10 amendments to the Constitution on December 15, 1791, and became known as the "Bill of Rights." This lesson goes through the 10 amendments, presenting historical background and information and providing activity questions to think about and answer. Contains a "Bill of Rights" glossary. The teacher notes section states that the lesson was designed to be completely dependent on the student, with the intent of making students think about possible situations and to think for themselves about the necessity of individual rights. Also notes California state history/social science standards and lists resources. (BT)

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Schools of California Online Resources for Education (SCORE): Connecting California's Classrooms to the World

The Bill of Rights

Twelve Grade - Principles of American Democracy Lesson by Robert Houghton

SO 034 281

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The Bill Of Rights

Welcome to The Bill of Rights.

On April 30, 1789, George Washington was sworn in as the first president of the United States. The new United States Constitution had already been ratified, yet the future of the new country was still at risk. Many of the founding fathers were demanding a "bill of rights" which would protect the people from the government. This bill of rights was to be added to the Constitution to guarantee individual liberties, to make sure that the new government would not treat citizens like the old colonial government of Great Britain did. But not everyone agreed that this bill of rights was necessary.

Two groups opposed each other, the Federalists who wanted a strong government and no bill of rights, and the Anti-Federalists who wanted more power for the states and a bill of rights. To reach an agreement, James Madison promised to add a bill of rights to the Constitution.

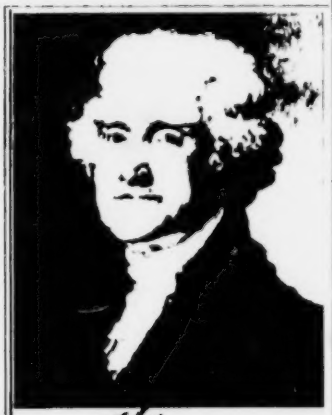
James Madison

Father of the Constitution and The Bill of Rights

"The Declaration of rights is like all other human blessings alloyed with some inconveniences...But the good in this instance vastly outweighs the evil."

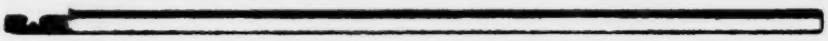
"If we cannot secure all our rights, let us secure what we can."

Letter from Jefferson to James Madison, dated March 15, 1789



Thomas Jefferson

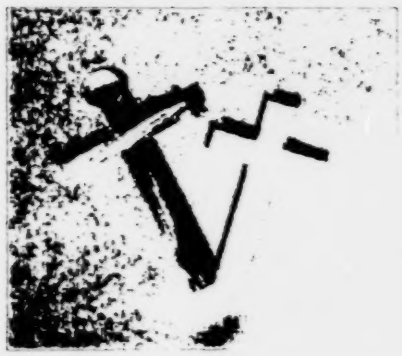
James Madison believed that citizens needed to be protected from the state governments and the national government. He gathered ideas from friends and documents and came up with 42 rights that needed to be protected for individuals. Madison's 42 rights were cut to 27 by the House of Representatives. Then they were cut to only 12 by the time the Senate approved them, and finally only 10 were approved by the states. These 10 rights became the first 10 amendments to the Constitution on December 15, 1791 and became known as The Bill of Rights.



Amendment 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;



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or abridging the freedom of speech, or of the press;

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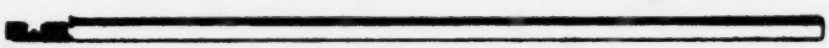
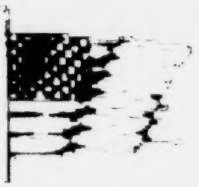
or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

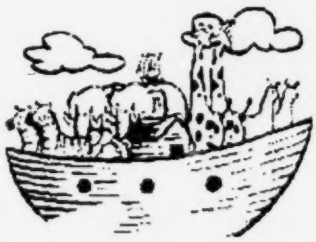


Amendment 1
"Religion"

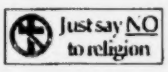


Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

The government can not help or hurt any religion. They can not make any person believe or practice any religion, nor can they stop any person from believing or practicing any religion. Even if you don't believe in a religion, that is okay too.



The government can not make someone Jewish, Hindu, or Muslim, nor can they stop someone from being one. They can stop a person from a religious practice if it hurts somebody else. You can't kill someone even if it is part of a religion, because that would hurt that person.



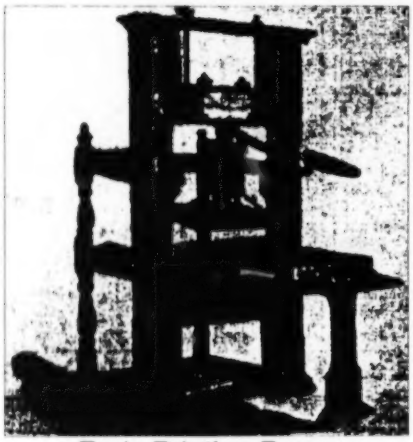
This is true for city governments too. At Christmas time cities sometimes get into trouble for putting up nativity scenes, because that would be helping the Christian

religion and ignoring others. Schools have Spring Breaks and Winter Breaks, rather than Easter Breaks or Christmas Breaks. Schools can not promote any religion because they are operated by the government.

Amendment 1
"Press"

...or abridging the freedom of speech, or of the press;

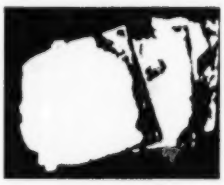
Freedom of Speech does NOT mean that a person can say whatever they want to say. Freedom of Speech means that someone's right to say something is protected within certain limits. A person may have to suffer consequences for saying some things, but they still have the right to say them. For example, it is against the law to yell, "FIRE," in a crowded place because someone may get injured. A person has the right to say it, but they also have the consequences.



Early Printing Press

Someone may not say things verbally or in print that they know aren't true. This is called slander and there are consequences for doing this.

Freedom of Speech includes non-speech also. What someone wears and how they behave is considered "freedom of expression" and is a protected right. The Supreme Court has even said that burning the American Flag is protected speech because it expresses an opinion.



The writers of The Bill of Rights did not want the government to have censorship powers over citizens, so we have the right to say what we think. Someone can even say that the government stinks and nothing will happen to you. In some countries people are killed for criticizing their government. However, there are limits on what kinds of things a person can say in public. That is why the government can limit what is on television and radio.

There are often conflicts over things that are said or printed in books, magazines, and newspapers, but just because someone doesn't like what was said doesn't mean that the person didn't have the right to say it.

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Amendment 1
"Assembly"

...or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The right to peaceably assemble means that someone can gather together with others without fear from the government that they are a mob. People can get together with whomever they want as long as they are peaceful and not causing trouble. This applies to all groups, even if people don't like those groups. Motorcycle gangs, militia groups, vampire clubs, and the Ku Klux Klan can all meet freely as long as they are peaceful. Protest marchers and government haters also have the right to meet with whom they want to meet.

Members of the Ku Klux Klan meet at a rally.

.....and to petition the government for a redress of grievances.

Citizens also have a right to complain to the government about things that they don't like. The government even provides a way to change those things, by way of a petition. If there is a law or policy that citizens do not like they can gather signatures on petitions. These petitions are then used to place initiatives on a ballot and the people can vote about whether to change the law.

Amendment 1 Activity

On this page there are a few "what ifs" for you to think about. You can do these in your head or on paper, depending on what your teacher wants.

RELIGION (Don't forget - The Constitution can not help or hurt any religion.)

1. Is it okay for the city of Los Angeles to put on a Jesus Festival at Christmas? Why?
Okay, that was too easy. How about this one.
2. Is it okay for Beverly Hills High School to use the 10 Commandments as their school rules?
Did you get fooled? Okay, how about this one, if you get this one right you might become a Supreme Court Justice.
3. How come public schools can't have a moment of prayer, but at every meeting of The House of Representatives and The Senate they begin with a prayer?
You're right, that is a tough one. That one still hasn't been answered.
4. Why does the Bill of Rights make it okay for someone to believe that there is NO God?

FREE SPEECH

1. Do you think that newspapers have the right to print anything they want?

- Should the paper print the secrets of the love lives of movie stars?
- Should the paper print report card grades of students in school?
- Should the paper print the names and addresses of all undercover police officers?
- Should the paper print the secret plans of the military when we are at war?

2. What about magazines. What is so wrong about saying that a movie star was seen at a restaurant with someone besides his wife? Why is that so bad?

- Do you think that we should know about the politicians and what they do?
- Is it okay to print pictures of famous people taking drugs?
- Is it okay to put naked pictures of famous people in magazines?

3. How would you decide what to print or what not to print if you were the editor of a newspaper or a magazine?

4. Should people be allowed to say whatever they want to say?

- Is it okay to wear a shirt that says, "America Sucks?"
- Is it okay to say you have a bomb when you are in an airport?
- Do you think it is okay to say that all white people are conceited? Or rich?
- Is it okay to say anything you want to about a whole group of people?

5. If you could make the rules - what rules would you make about what people can and can't say?

FREE ASSEMBLY - All groups have the right to peacefully assemble - even groups we might not like.

1. Is it okay for a huge motorcycle gang to come into the pizza parlor all at one time?
2. Can the members of a church choir have a meeting in the library and start busting the chairs and throwing books?
3. Can the members of the Ku Klux Klan march in a parade with signs saying that they hate all African Americans?
4. Is it okay for a group to meet in someone's garage and build bombs while at the meeting?
5. What about a meeting of all the people that hated the president? Could the president then get a list of everybody at that meeting so he could get even with them?
6. Would you want to change this rule?

Which of these 1st amendment rights do you think is the most important? Why?

Amendment 2

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

At the time of the Revolution, there was a strong mistrust of the government of Great Britain. Colonists knew that the only way to protect themselves from the same type of tyranny in the future was for citizens to be able to form a militia to protect their freedom. When The Bill of Rights was written, this protection was included. Since that time there has been a disagreement among constitutional scholars about whether this right was for individual citizens to protect themselves or for states to maintain a military presence. According to current interpretation of the Second Amendment, the government does not have the right to prevent it's citizens from owning guns. However, this amendment is argued about quite often, and is mentioned in the news almost daily.

Some people believe that the government is the enemy, and citizens must continue to protect themselves.

Some believe that the level of violence is so high in the United States because the number of guns available is too high, and too many people have guns.

There is a popular saying that, "If you outlaw guns, only outlaws will have guns." Another popular saying is, "Guns don't kill people, people do."

The government can and does regulate guns. There are laws about gun ownership, registration, permits, transportation of guns, and the sales of guns. Gun proponents believe that attempts by the government to regulate guns are the same as attempts to keep guns out of the hands of the people.

Guns and youth violence are in the news almost daily and there are arguments about whether or not the dangers are on the rise or on the decline.

Courtesy of Denver Rocky Mountain News

Amendment 2 Activity

This amendment is VERY controversial - some people argue about every word. It is commonly accepted that Americans have the right to own guns, but under what conditions, what types of guns, and how many often becomes a focus of debate. Did the founding fathers actually mean machine guns could be owned by citizens for shooting rabbits? Of course not, there weren't any machine guns yet. But exactly what they did mean has been the center of the storm on gun control for at least 200 years.

1. Some would argue that "A well regulated militia" means that the right to bear arms protected states and not individuals. They say that since we now have standing armies (the Army, Navy, Air Force, and Marines), we no longer need militias, and if we don't need militias, then people have no need for guns. Do you believe that Americans need guns?
2. There are those who believe that we need guns to protect ourselves and our families from criminals. Is this a good reason to have a gun in the house?
3. There are those who believe that people need guns to protect themselves and their families from government. Does this sound like a good reason to keep a gun in the house?
4. What about the type of gun the amendment protects? Should the government have the right to say that there are certain guns that people cannot have? What if you are a gun collector, and you have every gun ever made from 1921-1999 except for the AK47. You don't want to shoot anybody, but you collect guns and want an AK47. Should the government be allowed to tell you that you can't have this model gun?
5. What problems arise from having guns in the home? Who is most likely to get shot by that gun?
6. Is there anyway to prevent the tragedy of little children being shot accidentally in their homes? Does the government have a duty to protect children from accidentally being shot?
7. What if someone breaks into a home and steals a gun collection? What prevents those guns from being used later in a crime?
8. What about hunters rights? In some parts of the country hunting is very popular. Are the people who enjoy hunting responsible gun

owners, practicing gun safety?

9. There is a lot of talk right now about registration and trigger locks, and smart guns. Should the government be allowed to pass laws about the ownership of guns? Is it OK for the government to make people wait 30 days to get a gun so they can do a background check?
10. A popular saying is, "If you outlaw guns, only outlaws will have guns." Do you believe this is true?
11. If the government required everyone over 18 to carry a gun at all times, would criminals be less likely to commit crimes? If people did not know who had a gun, would they be less likely to start a fight? Some places have tried to do this, and make people carry a gun. How successful do you think this plan would be?
12. Rewrite the 2nd amendment to make it say what you believe we should do about guns.

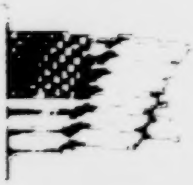
Amendment 3

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

During the Colonial Period, colonists were forced to let British soldiers sleep in their homes and eat their meals. Colonists were outraged, and the more they upset the British government, the more they were punished by having soldiers forced into their homes.

The writers of The Bill of Rights wanted to make sure that this could never happen again so the Third Amendment was added.

Amendment 4



The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated,...

The police can not search someone's person (body), house, papers, or effects (other things) without having a good reason. They can not take any thing from someone without a good reason.

Of course, the question always is, "What is a good reason?"

Seized drugs by using a Search Warrant
Photo from Huntington Beach Police Dept.

Unreasonable searches and seizures are those that are without cause, actually without probable cause.

Probable cause means that the police have a good reason to believe that someone has broken the law.

The police can not do anything until they convince a judge that they have probable cause, and then they can get a warrant which gives them permission to search.

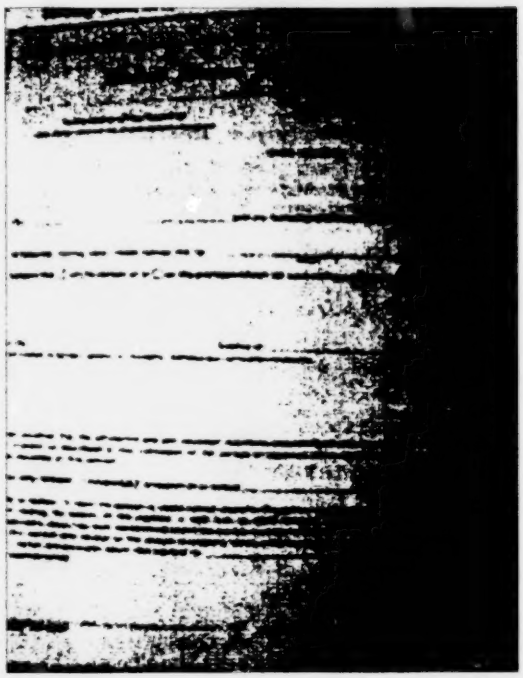
and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the

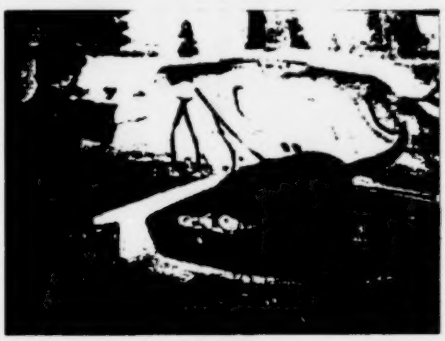
persons or things to be seized.

After the police convince a judge that a crime has been committed, a warrant is issued. The search warrant must say what is to be searched (house, car, person), when it is to be searched, what they expect to find, and the warrant must be signed by the judge.

Many cases are dismissed in court because someone is arrested for having something that was not listed on a search warrant.

This amendment is the reason for police always asking permission to come in your home or to search your car.





The police can arrest someone without a warrant when there are special circumstances.

If they are chasing someone from the scene of a crime, or if they catch someone in the act of a crime, they don't have time to go talk to a judge and then come back to get you. After they arrest a person they must then convince the judge that they had "probable cause" to arrest them.

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Amendment 4 Activity

It's 3:00 in the morning and there's a knock at your door. You drag yourself to the front door and are amazed to see 24 police officers in your front yard. The lead officer tells you that he knows you have some illegal substances in the house and demands to be let in. What would you do?

One of the main reasons that the 4th amendment was added was so that police officers (officers of the government) couldn't just go to houses and plan a bust to get rid of anybody who criticized the government. Therefore, we have protection against the government from abusing it's own power. Otherwise, maybe the president would send the police to raid the houses of the people who ran against him in the election to try and find anything wrong so those people can be put in jail.

1. When the police come to your house, there are 3 ways they can get in. What are they?
2. If they have a warrant, what must be written on the warrant? There are 4 answers to this question.
3. What if the police find something that they weren't looking for? What do they do? What should you do?
4. Can the police search your car if they feel like it?
5. What one thing must be true for the police to stop you and search you?
6. If there is a large fire in a building, and the police see you running away with a gasoline can, do they have the right to stop you and search you?
7. What if the police search your house with a warrant, and find some drugs that you know were not there before the police came into your home? What if they found something and you truly were innocent? Do you have any rights? (You might have to check another amendment).
8. When the police search your house and your car and find illegal drugs, do you think that they'll believe you when you say, "It's not mine, I was just watching my friend's stuff?" Do you think it matters if it isn't your stuff, but was in your house and your car?
9. Why is this amendment so important to law abiding citizens?

Amendment 5

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury,

Nobody can be put on trial for a very serious crime, unless a group of people called a grand jury first decide that there is enough evidence to make a trial necessary.

When there is enough evidence an indictment is issued, which means that the person charged with the crime will be put on trial for that crime.

except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger;

However, people in the military can be put on trial without an indictment or a grand jury, if they commit a crime during war or a national emergency.

nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb;

If someone is put on trial for a crime and the trial ends, they may not be tried again for the same crime. If they are convicted and serve their time, or if they are acquitted, they may not be put on trial again.

nor shall be compelled in any criminal case to be a witness against himself,

The government can not make someone testify against themself. It would be very easy to just ask the accused if they did it, but how many people would tell the truth and say they did? Probably not many. So a trial relies on witnesses and evidence rather than the testimony of the accused.

nor be deprived of life, liberty, or property, without due process of law;

The government can not take away someone's life, freedom, or property without following a series of steps that give them a fair chance. This is called due process.

Due Process is the procedure which makes sure that everyone gets treated the same. No matter who someone is they should be treated fairly by the police, the courts, and the government. Many cases are dismissed because someone's due process rights are violated.

nor shall private property be taken for public use, without just compensation.

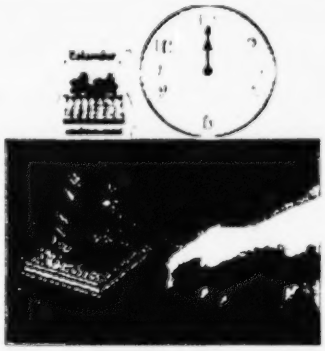
The government can not take away someone's property without paying them for it in some way. If the state wanted to build a road right through someone's yard they can't just do it, they have to pay the person for it, or compensate them in some way.

Amendment 6

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial,

The accused has the right to a quick trial. This does not mean that their trial must be over in one week. This means that the state can not make them sit in jail for 6 years while they wait to have a trial. That would be unfair to anyone who is innocent.



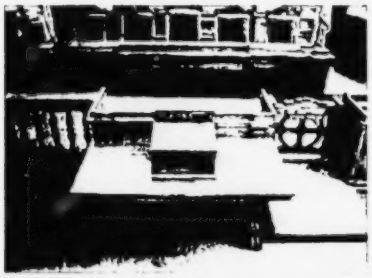
The accused also has the right to a public trial. The state can not put them in a warehouse and question them about the crime. It must be available to the public so that it is fairer to the accused.

by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law,

The trial must be held by an impartial jury. The jurors can not be prejudiced against the accused or the crime that they've been accused of, or it would be

unfair.

The trial must also be held in the area where the crime was committed, or else that could be unfair to the accused also.



Courtesy of South Dakota Supreme Court

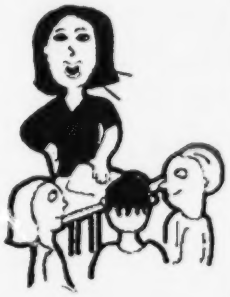
What if a dirty, homeless man was put on trial in a very rich neighborhood? They might think that he is guilty just because he is dirty or homeless.

The courts can not change the location from case to case either. It is already decided where the trial will be. Except in some cases, where it is sometimes better to move the trial to a different area because the accused face has been all over the local news and it would be impossible to get an impartial jury in the town where he/she lives.

and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him;

The accused has the right to know what they are being charged with and why they're being held in jail.

The accused also has the right to know who is saying that they've committed the crime, and the right to ask them questions.



to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

The accused has the right to force anyone to come to their trial that they believe can help their case. The court can force someone to come to court by issuing a summons -or subpoena and then the person has no choice, but to come to the trial.

The accused also has the right to an attorney (a lawyer). If you can not afford an attorney, one will be given to you by the court. The Miranda case has made this right famous. Now whenever someone is arrested they are read their Miranda rights. These rights include the right to be silent, and the right to an attorney.

Amendment 6 Activity

What if you were arrested in the middle of the night, not told why you were being arrested, thrown in jail, told that 75 people were going to testify against you, but you had no idea who they were, and you responded by saying that you had 10 witnesses that could say you didn't do it, but you had no way to contact those 10 people, and you weren't allowed to call an attorney? You probably wouldn't think that this was very fair. This is exactly why we have the 6th amendment.

- How do you think your trial would go if you were African-American and 19, but everyone on the jury was Anglo and over 50?
- How do you think your trial would go if your picture was in the paper everyday for a month before the trial, and all of the reporters on tv were asking you why you did it?
- How do you think your trial would go if you didn't even know what you were accused of and had to plan a defense? It wouldn't sound very convincing for you to say, "Whatever it is, I didn't do it."

In the United States it is absolutely necessary that everyone be given a fair trial. Some past mistakes have taught us well.

- Susan B. Anthony, the famous fighter for women's rights, once voted for the president before women were allowed to vote. She was put on trial for breaking the law. At the time, only men could serve on a jury, or serve as judges and lawyers. How do you think her trial ended with an all male jury, judge and lawyers for the crime of voting?
- What if I said, "I saw you steal $10.00." Don't you think that you have the right to know why I am saying that and who I am? Sometimes our trials have not been very fair. Sometimes someone is accused just because of the color of his skin. Shouldn't he also have the right to know who is accusing him and why?
- The accused also has the right to force witnesses to come to the trial to help his own defense. What if you were accused of a crime you didn't commit and there were 20 people in your school that saw you when the crime was committed somewhere else in the city. What if those 20 people didn't want to get involved? They were all just thankful that they weren't arrested. What if you couldn't make them come to the trial to say that they saw you, and you were innocent? How do you think that you could defend

yourself if you couldn't have any witnesses to help prove your innocence?

- Which part of the 6th amendment is the most important, in your opinion? Why do you think that?

Amendment 7

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,

In the 1700s twenty dollars was a lot more money than it is today. Now, for any dispute involving less than $1500.00 small claims court will handle the case without a jury.

and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

United States law forbids anyone from setting up their own court system. If someone goes to court, they will always go to a recognized court of the government, be it a national, state, county, or city court. A person will never have to defend themself in Uncle Joey's Courthouse with Joey's cousins acting as jurors and lawyers.

Amendment 8

Excessive bail shall not be required, nor excessive fines imposed,.....

Excessive bail shall not be required, nor excessive fines imposed,

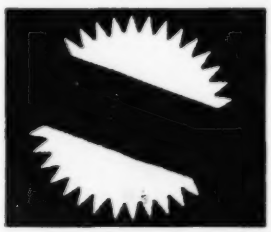
The courts can not assign the accused an excessive amount for bail. If they could, then a judge might look at someone and decide they look guilty and make the bail 10 million dollars.

- Bail is a sum of money or property given to the court as a promise that the accused will return for their trial. If the accused fails to show up for their trial, they lose their bail.
- Bail is assigned on the type of crime committed and the likelihood that the accused will return for their trial. The greater the seriousness of the crime, the higher the bail.
- Bail allows time for the accused to prepare for their defense, which is hard to do while in jail.

BAIL

SURETY

AGENT



Many people accused of a crime do not have the money for bail so they get a bail bondsman. The bondsman provides the money for bail (for a fee), and may send a bounty hunter to find the bailee if they "skip" town and don't show up for their trial, which causes the bail bondsman to lose money.

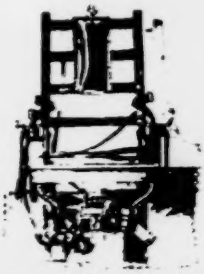
.....nor cruel and unusual punishments inflicted.

No cruel or unusual punishments are allowed according to this amendment. The problem is...what exactly is cruel or unusual? At the time of the writing of

this amendment guilty people were sometimes pulled into 4 pieces by horses, strangled, burned, branded, disemboweled (their guts cut out), or had their hands cut off or sat in stocks so that others could make fun of them and throw things at them. Today these seem cruel and unusual. So today states use the gas chamber, lethal injection, hanging, firing squad, or the electric chair. Do you believe that executing someone found guilty of terrible crimes is cruel or unusual?

This amendment also prevents the government from punishing a criminal in some strange or unusual way. If someone is found guilty of stealing, the court can't cut off your hand or, make you sing in the nude on television.

"Dunking" no longer used.



An early Electric Chair

Capital punishment or execution is still argued about today and probably always will be. Some argue that it helps stop others from committing crimes because they won't want to be executed. Others argue that no matter how terrible the crime, the state does not have the right to kill a human being. Each state decides whether or not to have executions.

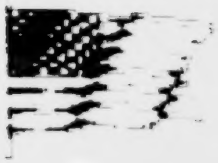
Number of states that use which method of execution

- Firing Squad - 3
- Hanging - 4
- Lethal Gas - 7
- Electric Chair - 11
- Lethal Injection - 33

The U.S. Supreme Court ruled in 1976 that the death penalty was constitutional.

Since 1976 there have been 628 inmates executed.

Amendment 8 Activity



Although this amendment covers all types of cruel and unusual punishments, it is the death penalty that gets the most publicity. But there are some very strange circumstances that come up with other types of cases too.

1. One judge ruled that a man convicted of killing a family while he was drunk driving had to not only spend 12 years in prison, but he had to also display pictures of the family members in his prison cell, and mail the survivors a check each month for $1.00 just to make sure that he didn't forget what he had done. Does this sound fair to you?
2. Another judge, in a child molestation case, ruled that the man was guilty of molesting children while giving them piano lessons. His punishment included 6 years in prison and he was never allowed to play the piano again, as long as he lived. Does this sound fair to you?

   These might both sound unusual, but are they cruel too?

3. A man was convicted of his 3rd rape charge. When he was being sentenced he asked the judge if he could have his genitals surgically removed because he knew that he would someday rape again. The judge could not allow the man to have this done because that would be cruel and unusual. Do you think so?

Now let's talk about the death penalty.

Pick one side and answer the questions on that side. Neither side is right or wrong, as long as you can explain why you believe what you do.

Are you in favor of the death penalty?	Are you against the death penalty?
If you could make up the rules for the death penalty, what would those rules be?	Okay, so you believe that killing people is wrong, even if it is for punishment. How would explain this to those who believe that the death penalty keeps some people from committing terrible crimes?
Would only murderers and rapists get it?	
Would there be any different rules if the accused murdered 3 people or 30?	Can you really say to a family that lost their mother and father to a murderer, that keeping

What if the accused murdered 3 babies or 3 old people, is there any difference? What if the accused planned the murder for 6 weeks, and even when the victims begged for their lives, he just laughed and killed them anyway? What would you do if the accused just laughed during the whole trial, saying, "So sad, too bad, they're gone, hahaha." Would you want them to get the death penalty even more? What if the accused were on trial for killing your favorite relative? Or your mom and dad? Or your best friend? Would your rules allow for exceptions? Explain why you believe that the death penalty is something that we need in this country.	the murderer alive in prison is the best thing for the government to do? In some countries, if you get caught stealing they chop off your hand. Shouldn't those who commit murder be murdered? Why should someone who murders just for fun be allowed to live the rest of his life with cable tv, pool tables, weight rooms, and the people should have to pay for all of this? How would you explain to your children that their friends were murdered and the man that did it is living in prison until he dies? Explain why you believe that the death penalty is wrong, no matter what crime was committed.

Amendment 9

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

James Madison's 42 rights did not cover all of the individual protections that he believed citizens needed, and certainly the 10 that were approved did not either, so he included Amendment 9. It states that there are certain rights listed in the Constitution, but that does not mean that there aren't other rights that the people have that are not listed.

Still, the Ninth Amendment has not yet been used to justify the protection of any right not already listed in the Constitution.

So it is still a mystery about which rights Madison had in mind when he wrote the Ninth Amendment.

It assures people that there are rights that members of a free society are entitled to, although neither Madison nor any of the other founding fathers ever stated just what they thought these rights were. Some people believe that they include the so-called natural rights including life, liberty, and property, or the right to pursue happiness.

Amendment 10

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

The governmental powers not listed in the Constitution for the national government are powers that the states, or the people of those states, can have.

Examples: The states determine the rules for marriages, divorces, driving licenses, voting, state taxes, job and school requirements, rules for police and fire departments, and many more.

EQUAL HOUSING LENDER

States regulate many of our rights, not the national government.

The national government does not control these areas because they are not mentioned in the Constitution, and so they are under the control of the states.

Final Activity

ACTIVITY ONE

For each of the following examples decide which amendment is involved, and which rights are being violated. What is the right thing to do according to The Bill of Rights?

1. Mrs. Jones hears a knock at the door. She opens the door and finds 3 police officers asking if they can come into her home to talk about neighborhood safety. She is very friendly and so she says yes. While sitting in the living room one of the officers sees a bomb under the sofa and gets up to get it. Mrs. Jones is immediately arrested.
2. Sam Davis is planning a public meeting in front of the town library to protest against a new city tax for playgrounds. He has filed all of his permits and the city has said that he can have his meeting. The night before the meeting, however, the mayor finds out that Sam was arrested 2 years ago in another town for starting a riot. On the day of the meeting, police show up to prevent the meeting and Sam is not allowed to hold his meeting.
3. Gina DeLong has lived in her home for 26 years. During that time the city has tripled in population, traffic is a mess, and there just are not enough roads. Tuesday morning the sheriff came to her house and told her that she had to move because a new road was going to be built right through her house. When she complains that she has lived there for so long and doesn't want to move, she is told, "Too bad, you have 30 days to get out."
4. Kennedy Elementary School is a normal school, so it surprised everyone when the principal, Mrs. Salinas, decided that all students could have extra holidays from school for the Jewish holiday of Yom Kippur. Most of the students were happy, but some parents were mad because they didn't have baby-sitters.
5. Hans Schlemming was new to this country. In Germany he was an auto mechanic. On Saturday night he was coming out of a store and the police arrested him for stealing. He said he didn't do anything, but the police were convinced that they had the right person. When he told them that he wanted a lawyer, one of the policemen said, "You don't need a lawyer, you guilty pig. You and

your German friends killed my grandfather during the war. I know that you're guilty. We're locking you up and throwing away the key."

6. Stephanie Manus was arrested, tried, and convicted of kidnapping. There was no doubt that she was guilty. The judge said, "I can either send you to prison for 12 years or I can make you shave your head and make you stand on the freeway for 8 hours a day so that you will know what it is like to be scared." "Prison is too good for you," said the judge.
7. Mr. Wiegold had worked in the same place for 36 years and only had one raise. He felt like the boss owed him something, so one day he took a computer home and kept it. When the boss found out he had him arrested. Mr. Wiegold demanded a trial because he said he was innocent. But the boss and the police said he didn't get a trial because they already caught him with the stolen computer, he was guilty.
8. At a gun collecting show, George Samuels picked out 13 guns that he wanted to add to his expensive collection of guns from the 1800s. When he tried to pay for the 13 guns he was told by a security guard that he wasn't allowed to take so many guns. The security guard would only allow George to buy 5 guns because the Constitution allows citizens to have one gun per family member.
9. Trina Lening and her friends had recently robbed a liquor store. Trina's friend Lori did not help, she was sick at home. When the police picked up all of the girls the following Friday, they arrested the whole group including Lori. At the trial, Lori said that she was innocent and could prove it because she had witnesses. But her witnesses were her friends, and if they said she wasn't there, it would mean that they were at the liquor store.
10. The city of Manville was in crisis. For 3 days there had been riots and fires. The National Guard was called out to restore peace. When officers showed at Mrs. Mayberry's door demanding some food and a place to sleep she was so afraid of their guns that she let them in and gave them what they wanted.

ACTIVITY TWO

Work by yourself and decide which amendment is the most important for citizens living in this country. If you could only have one amendment to protect you, which would it be? Then work in a small group of 3 or 4 and compare your answers. Try to decide by agreement which amendment is the most important to the group.

The Bill Of Rights Glossary

abridging	Making changes or shortening something.
accusation	Statement of guilt, someone saying that you did it, a charge against you.
acquitted	Result in a trial when the accused is not found guilty or innocent, but released because there is not enough evidence to convict.
affirmation	A positive statement, saying yes, or swearing to tell the truth.
amendment	An addition to a document or policy, a change to the original.
ascertained	Figured out, a conclusion was made.
assemble	A meeting of a group, to meet or gather.
assistance	Help in some way.
assures	Guarantees to the best ability, like a promise.
attorney	Lawyer.
capitol crime	A very serious crime where life or limb has been taken.
censorship	The altering or deleting of information by an authority.
charged	When enough evidence is presented for a crime the person is told what they are accused of.
committed	Done or carried out, as in he committed the crime.
common law	Common practice that has been handed down through history by English law.
compelled	Forced, against your will.
compensation	Payment of some type, either in money, property, or status.
compulsory	Mandatory, must do, don't have a choice of saying no.
confronted	Face to face in a one against the other situation, in your face.
consent	Permission.
consequences	Actions that may be carried out against you in response to your actions.
constitution	A document of policy determining how a government should

	and will act.
constitutional	Referring to a constitution, something is constitutional if it agrees with the constitution.
construed	Understood to mean, interpreted.
controversy	An issue with opposing sides, the more one side is against the other, the more controversy exists.
convicted	After the accused is put on trial and found to be guilty, he is convicted, or sent to
counsel	An attorney, or lawyer.
criminal	Term used to describe anyone who commits or has committed a crime.
criticizing	Finding something wrong with an argument, person, or object.
defense	Means of claiming that you are not guilty, attempt to prove the accusations wrong.
delegated	Assigned duties or responsibilities to another.
deny	Saying that something is not true.
deprived	Not allowed to have.
disparage	To not count as very important, to lessen the meaning of something or someone.
due process	A process of steps where everyone is treated equally and all have a chance to speak.
enumeration	A listing of rights, or steps.
evidence	Any physical things or witnesses that make it look like the accused is guilty or innocent.
excessive	More than enough, too much.
execution	The killing of another person in a ritual style, in this case, by the state.
favor	To give special treatment.
founding fathers	Men who helped create the country, Washington, Jefferson, Adams, Franklin, etc.
grand jury	A group of people who listen to evidence and decide if there is enough evidence to charge someone with a crime prior to trial.
grievances	Complaints, statement about unfair treatment or conditions.
guilty	All the evidence indicates that the person did it, they are guilty.
impartial	Not having a favorite side or person. Ability to be fair.

imposed	Put upon, something done to you without your permission.
indictment	A written statement charging a person with a crime.
infamous crime	Crime or series of crimes by a person with an evil reputation.
inflicted	Caused damage, pain, or punishment to another
initiative	First step taken by a person or group of people to change a law or policy.
inmates	Term for those in jail or prison.
innocent	Free from guilt or blame, did not do it.
jeopardy	Danger.
justify	To show that one is right or legally correct.
Ku Klux Klan	White supremacy group that is not tolerant of minorities and has a long history of violence.
libel	A statement spoken, drawn, or even written that damages someone's reputation or good name.
limb	Body part, usually refers to arm or leg.
militia	Group of citizens with some military training called upon in an emergency.
oath	A promise before witnesses.
offense	The act of doing something wrong.
outraged	Very, very mad.
particularly	Especially.
petition	A written document signed by citizens to show support and agreement on an issue.
prejudiced	Having feelings or opinions about an individual or group prior to knowing much about them, without good reason.
prescribed	Directed or ordered to do a specific task.
presentment	Act of presenting a statement of action to an authority, as in a grand jury to a judge.
preserved	Protected from injury or harm.
prevent	To keep from happening, stop something before it starts.
probable cause	Legal term referring to a police officers reasonable belief that someone has committed a crime.
procedure	Series of steps followed to guarantee that all steps are taken.
prohibited, prohibiting	To make impossible, not allowed, to prevent.
proponents	People in favor of a position, supporters.
prosecution	The process or lawyer(s) trying to prove that the accused is

	guilty
pursue	To follow or chase, go after.
quartered	Keep in your home, or in the case of punishment - torn into four pieces by horses pulling in four different directions.
ratified	Approved.
redress	To remedy, or to right a wrong.
reexamined	To look at again.
regulate	To control through legislation (laws), put rules on something.
respectively	In a certain order, each item refers to another.
reserved	Put aside for, to be used only for.
respecting	In regards to, referring to.
rights	Freedoms and privileges that are granted to each citizen either through a government or through "natural law," meaning that's just the way it's supposed to be.
security	Safety and protection.
seized	Taken control of, or taken away.
slander	Making false and damaging statements about someone's reputation.
subpoena	A court document ordering someone to come to court for a trial.
suits	As in law suit, a case or charge brought by one person against another seeking a legal solution.
summons	A court document ordering someone to come to court for a trial.
testify	Statements made in court under oath, saying your side of what happened.
testimony	Statements made by a witness under oath about what he or she knows about the crime.
trial	Legal procedure used to determine the truth about a crime or offense, and to determine guilt or innocence of the accused.
violated	Breaking of a law, or rule, caused harm to another.
warrants	Court documents issued for arrests or for searches, must be issued by a judge.
witness	Anyone with first hand knowledge of the events surrounding a crime, or absence of a crime.

The Bill Of Rights
Teacher Notes

Bob Houghton
Indio Middle School
Desert Sands Unified School District, 2000

This lesson was designed to be completely dependent on the student. It can also be used, of course, in conjunction with class lessons on the Bill of Rights. My intent is to get students to think about possible situations so that they can think for themselves about the necessity of individual rights rather than just thinking that all authority figures "suck."

There are many ways to teach this material. I chose to align these lessons with my own teaching style, which includes a lot of discussion from the student's point of view. My own students often object that they were hassled by the police on the street at 3:00 am for no reason. So we spend a substantial amount of time on the Bill of Rights because the reality is that many of my students may never see a 12th grade government class.

Most of the graphics used were found at sites offering free graphics without copyright restrictions. Those that need to be credited, are credited.

Some of the graphics used were found at the following sites:

ANIMATED GIF.NET NARA Many of the religious images are from the "Religions of the World" CD published by International Thompson Multimedia.

I am not an attorney, so please do not take anything from these pages as legal advice.

HISTORY-SOCIAL SCIENCE STANDARDS

5.7 Students describe the people and events associated with the development of the U.S. Constitution and analyze the Constitution's significance as the foundation of the American republic.

2. Explain the significance of the new Constitution of 1787, including the

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struggles over its ratification and the reasons for the addition of the Bill of Rights.

3. Understand the fundamental principles of American constitutional democracy, including how the government derives its power from the people and the primacy of individual liberty.

8.2 Students analyze the political principles underlying the U.S. Constitution and compare to enumerated and implied powers of the federal government.

6. Enumerate the powers of government set forth in the Constitution and the fundamental liberties ensured by the Bill of Rights.

11.1 Students analyze the significant events in the founding of the nation and its attempts to realize the philosophy of government described in the Declaration of Independence.

2. Analyze the ideological origins of the American Revolution, the divinely bestowed unalienable natural rights philosophy of the Founding Fathers, the debates on the drafting and ratification of the Constitution, and the addition of the Bill of Rights.

Other resources:

- U.S. Supreme Court http://www.supremecourtus.gov/
- Find any Supreme Court or lower court decision http://www.findlaw.com/
- Legal Dictionary http://dictionary.law.com/
- Another Law Dictionary http://www.nolo.com/lawcenter/dictionary/wordindex.cfm

U.S. Department of Education
Office of Educational Research and Improvement (OERI)
National Library of Education (NLE)
Educational Resources Information Center (ERIC)

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